

REMARKS/ARGUMENTS

In response to the Office Action, Applicant respectfully requests reconsideration. Claims 56 - 75 were pending in this application, with claims 1 - 55 previously cancelled. Claims 56, 59, 69 - 71, 74, and 75 have been cancelled herein. Claims 57, 60 - 68, 72 and 73 have been amended. New claims 76, 77, and 78 are presented herein for consideration. The new claims are presented for the sole purpose of lending greater specificity and/or clarity to the claimed subject matter and expediting prosecution to conclusion.

Support for the new claims can be found throughout the specification, including paragraphs 0011-0012, 0051, 0056 - 0057, 0071 - 0073 and a number of the new/amended claims substantially mirror previously presented claims. Applicant respectfully requests allowance of the present application in view of the foregoing amendments and the following remarks.

Interview

Applicant expresses its gratitude to the Examiner for the courtesies extended to Applicant's undersigned representative during the interview conducted on July 22, 2008. During that interview, Sections 101 and 103 rejections were discussed. Suggestions were made by the Applicant and the Examiner regarding addressing these issues. No final agreement as to the issues was reached.

Amendments to the Specification

In the specification, paragraph [00114] has been amended for clarity to show that computer readable media and transmission media are separate definitions.

Claim Rejections under 35 U.S.C. 101

Claims 74 - 75 have been rejected under 35 U.S.C. 101. Although Claims 74 - 75 have been cancelled, rendering this objection moot, Applicant made every effort to ensure that the new listing of claims is properly directed to statutory subject matter. For example, Applicant submits that "network communication channel" in prior Claim 74 and now in new Claim 77 is definite structure and therefore statutory subject matter and not software per se. Similarly,

Applicant submits that "physical computer-readable storage medium" in prior Claim 75 and now in new Claim 78 is definite structure as defined by paragraph 00114 in the Specification and therefore statutory subject matter. If any 101 issues remain, please contact the undersigned.

Rejection of Claims under 35 USC 103

Claims 56 - 75 were rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of *Greenwald* in view of one or more of *Callay*, *Hermann*, *Golov*, *Kojima*, *Daniel*, and *Chivaluri*. Applicant submits that the new claims and amended claims are patentable over *Greenwald* alone or in combination with any of the other art of record and requests allowance of same.

With respect to obviousness, the Office bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. 103. In re Fritch, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992). To establish *prima facie* obviousness of a claimed invention, all words in a claim must be considered for judging the patentability of the claim against the prior art.

To facilitate the reconsideration of claims, the following discussion of the invention as claimed is presented herein for the Examiner's kind consideration and review.

Normally, events received at the reception engine are displayed to the operator and then dispatched (if the operator cannot manually fix and delete each individual problem). The independent claims show how the automated triage process (ATP) of the claimed invention "intercepts" this normal flow of the reception engine's dispatch process, calling an external process to "triage" the event by using environmental variables to incorporate this triage process into the dispatch process in order to reduce false positive events and provide for consistent event processing. The ATP adds new functionality to the reception engine by automatically calling the ATP based on event type and running the following processes by passing environmental variables (all based on and specifically designed for the event type): a validation routine followed by a remediation routine followed by re-validation. If, after any of the validation routines the event is no longer valid, the event is dropped from the reception engine (and, thus, no longer in the dispatch process). Otherwise, the ATP appends additional

information (via environmental variables) to the event and passes these variables back to the engine for dispatch (now with more detailed information about the problem).

Applicant submits that this unique process is not disclosed or suggested by any of the references of record. Applicant believes that the automated triage process defined in the claim, which is based on event class [see paragraph 0057] and has within it the combined capability of validation and remediation, is not taught in the prior art. (e.g., for event class "A", Triage_A always executes Validation_A and Remediation_A). The present invention provides for more consistent processing by calling the entire triage process based on event class, which executes routines within the triage process for validation and remediation.

Greenwald is a "System and Method for Diagnosing Faults in Computer Networks." *Greenwald* receives fault data (page 12, line 21) and then runs a routine to determine the path related to the fault data (page 12, lines 22 - 23). The fault is then analyzed. (page 12, lines 25 - 27). *Greenwald* does not show or suggest any apparatus, system, or process that "intercepts" the normal flow of the reception engine's dispatch process, calling an external process to "triage" the event and *passing environmental variables*. Nor does *Greenwald* show or suggest a matched pair of routines (validation and remediation routines) both based on a single "event class" variable, so that the same pair of routines is called for a specific event class. None of the other references of record remedy the shortcomings of *Greenwald*.

Moreover, Applicant believes that the specific ordering and arrangement of the execution of the process is not disclosed in the prior art. Specifically, in the present invention, the automated triage is called after receiving a detected event; validation of the event, remediation, and re-validation; and then dispatch occurs if necessary. *Greenwald* discloses fault handling followed by dispatch. *Kojima* discloses automatically executing commands based on messages. Neither reference, alone or in combination, describe the specific order of operation defined by the present claim.

In view of the above, Applicant respectfully submits that *Greenwald*, taken alone or in combination with the other cited references, fails to teach or suggest the features of the independent claims. Accordingly, the references do not support a rejection of the independent claims under 35 USC 103. Therefore, the independent claims are believed to be in condition for allowance.

Dependent Claims

The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter, which makes them a fortiori and independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

Conclusion

In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,
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